

### REMARKS

This application has been carefully reviewed in light of the Office Action dated March 28, 2005. Claims 1 to 6, 8, 11 to 29, 31 and 34 to 55 are pending the application, with Claim 55 having been added. Claims 1, 2, 15 to 25 and 38 to 44 have been amended, and Claims 1, 22 to 24 and 55 are in independent form. Favorable review and early passage to issue are respectfully requested.

In the Office Action, Claims 1 to 6, 8, 11 to 18, 20 to 29, 31, 34 to 41 and 43 to 54 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,687,878 (Eintracht) in view of U.S. Patent No. 5,706,097 (Schelling); and Claims 19 and 42 were rejected under 35 U.S.C. § 103(a) over Eintracht in view of Schelling and further in view of U.S. Patent No. 6,272,484 (Martin). Reconsideration and withdrawal are respectfully requested.

Referring specifically to the claims, independent Claim 1 as amended is directed to a method of annotating an image. The method includes the step of displaying a plurality of predetermined icons, each icon being associated with one or more predetermined metadata labels. The method also includes the steps of displaying the image adjacent to the plurality of predetermined icons, and detecting selection of at least one of the plurality of predetermined icons. In addition, the method includes the step of determining a location of a subject rendered within the image based on a selection of the subject, wherein the one or more predetermined metadata labels associated with the selected icon relate to the selected subject. The method also includes the steps of linking the one or more predetermined metadata labels associated with the selected icon with a description of the location of the selected subject within the image, and storing the linked

one or more predetermined metadata labels and the description as an annotation of the image.

In a similar manner independent Claims 22, 23 and 24 are respectively directed to a computer program, computer readable medium and an apparatus.

Thus, among its many features, the invention of Claims 1 and 22 to 24 provides for (i) displaying a plurality of predetermined icons, each icon being associated with one or more predetermined metadata labels, (ii) displaying an image adjacent to the plurality of predetermined icons, (iii) detecting selection of at least one of the plurality of predetermined icons, (iv) determining a location of a subject rendered within the image based on a selection of the subject, wherein the one or more predetermined metadata labels associated with the selected icon relate to the selected subject, and (v) linking the one or more predetermined metadata labels associated with the selected icon with a description of the location of the selected subject within the image. The applied references of Eintracht, Schelling and Martin are not seen to disclose or suggest at least these features.

As understood by Applicants, Eintracht discloses a system for collaborative document annotation whereby notes associated with a document are stored in a notes database on a central notes server. See Eintracht, Abstract. Notes can be created by selecting an annotation tool on the screen and placing the cursor in the area of the image where it is desired to place a note. A box is created and the user can enter text. Once entered, the text appears in the form of a “stick” note that appears on top of the image. The note anchor is created at the location the user placed the note. See Eintracht, column 15, lines 10 to 23. The user can select to view annotations overlying the image. See Eintracht,

column 14, lines 14 to 22; and Figure 1B.

Although Eintracht may be seen to disclose a system for image annotation using “stick” notes associated with text, it is not seen to disclose or suggest that a plurality of predetermined icons are displayed, with each icon being associated with one or more predetermined metadata labels. Rather, Eintracht merely teaches that one annotation tool may be selected on a screen, and that a cursor can be placed in an area of an image where a note is to be placed. The display of one annotation tool in Eintracht is not seen to correspond with the claimed display of a plurality of predetermined icons. As a consequence, Eintracht is also not seen to disclose or suggest that an image is displayed adjacent to the plurality of predetermined icons, or that selection of at least one of the plurality of predetermined icons is detected.

In addition, Eintracht is not seen to disclose or suggest that a location of a subject rendered within the image is determined based on a selection of the subject. Rather, Eintracht merely discloses that a note anchor is created at the location a user places the note. Furthermore, Eintracht is not seen to disclose or suggest that the selected subject relates to one or more metadata labels that are predetermined. Instead, Eintracht is seen to disclose that the user enters text for the note after the placement of the note has been selected. It is the text entered after a desired placement is selected in Eintracht which is associated with a note, and not a metadata label which is predetermined.

Moreover, Eintracht is not seen to disclose or suggest that the one or more predetermined metadata labels associated with the selected icon are linked with a description of the location of the selected subject within the image. The Office Action

cited to column 15, lines 25 to 55 of Eintracht, in which URL is associated with a particular document. As such, Eintracht is seen to disclose that a document can be accessed by selection of the document URL. In contrast, the present invention links a description of a location of a subject within an image with one or more predetermined metadata labels associated with a selected icon.

Accordingly, Eintracht is not seen to disclose or suggest (i) displaying a plurality of predetermined icons, each icon being associated with one or more predetermined metadata labels, (ii) displaying an image adjacent to the plurality of predetermined icons, (iii) detecting selection of at least one of the plurality of predetermined icons, (iv) determining a location of a subject rendered within the image based on a selection of the subject, wherein the one or more predetermined metadata labels associated with the selected icon relate to the selected subject, and (v) linking the one or more predetermined metadata labels associated with the selected icon with a description of the location of the selected subject within the image.

Schelling has been reviewed and is not seen to compensate for the deficiencies of Eintracht. In particular, although column 2, lines 1 to 15 of Schelling discloses that index images of an index print include a subject matter descriptor, Schelling is not seen to disclose or suggest (i) displaying a plurality of predetermined icons, each icon being associated with one or more predetermined metadata labels, (ii) displaying an image adjacent to the plurality of predetermined icons, (iii) detecting selection of at least one of the plurality of predetermined icons, (iv) determining a location of a subject rendered within the image based on a selection of the subject, wherein the one or more

predetermined metadata labels associated with the selected icon relate to the selected subject, and (v) linking the one or more predetermined metadata labels associated with the selected icon with a description of the location of the selected subject within the image.

In addition, Martin has been reviewed and is not seen to compensate for the deficiencies of Eintracht and Schelling.

Allowance of Claims 1 and 22 to 24 is therefore respectfully requested.

Newly-added independent Claim 55 is directed to a method of annotating an image. The method includes the steps of displaying a plurality of predetermined icons, each icon being associated with one or more predetermined metadata labels, displaying the image adjacent to the plurality of predetermined icons, and detecting selection of at least one of the plurality of predetermined icons. The method also includes the steps of determining a location of a subject rendered within the image based on a selection of the subject, wherein the one or more predetermined metadata labels associated with the selected icon relate to the selected subject, and forming a bounded region within the image about the location at which the subject is rendered in the image, the bounded region being configured to substantially surround the subject. In addition, the method includes the steps of linking the one or more predetermined metadata labels associated with the selected icon with a description of the bounded region, and storing the linked one or more predetermined metadata labels and the description as an annotation of the image.

A feature of the invention of Claim 55 therefore lies in forming a bounded region within an image about a location at which a subject is rendered in the image, the bounded region being configured to substantially surround the subject. The applied

references of Eintracht, Schelling and Martin are not seen to disclose or suggest at least this feature.

As noted above, Eintracht discloses a system for annotating an image with notes in which a box is created for a user to enter text after the user selects where a note is to be placed. In its rejection of Claim 6, the Office Action equated the creation of a box in Eintracht with the claimed formation of a bounded region. However, Applicant respectfully submits that the box created in Eintracht is merely used for entering text, and is not seen to correspond with forming a bounded region within an image about a location at which a subject is rendered in the image. Furthermore, Eintracht is not seen to disclose or suggest that the bounded region is configured to substantially surround the subject.

In addition, Schelling and Martin have been reviewed and are not seen to compensate for the deficiencies of Eintracht.

Allowance of Claim 55 is therefore respectfully requested.


Accordingly, based on the foregoing amendments and remarks, independent Claims 1, 22 to 24 and 55 are believed to be allowable over the applied references.

The other claims in the application are each dependent from the independent claims and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicants' undersigned attorney may be reached in our Costa Mesa, California, office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,

  
John D. Magluyan  
Attorney for Applicants  
Registration No.: 56,867

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200

CA\_MAIN 97995v1